

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA


BRIAN D. BYERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-06-1354-T
	)	
KINGFISHER COUNTY,	)	
	)	
Defendant.	)	

**ORDER OF DISMISSAL**

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Roberts recommends dismissal of the case without prejudice due to Plaintiff's failure to comply with prior orders to cure deficiencies in his Motion for Leave to Proceed *In Forma Pauperis*. Plaintiff has neither filed a timely objection to the Report nor requested additional time to object.<sup>1</sup> Thus the Court finds Plaintiff has waived further review. For this reason, and because Plaintiff still has not complied with prior orders, the Court concurs in Judge Roberts' recommendation.

Therefore, the Court adopts the Report and Recommendation [Doc. 9] in its entirety. The case is DISMISSED without prejudice to refiling.

Entered this 27<sup>th</sup> day of February, 2007.

  
RALPH G. THOMPSON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court file reflects Plaintiff's mail was recently returned as undeliverable [Doc. 10]. Plaintiff must provide notice, however, of any change of address. "Papers sent by the Court will be deemed delivered if sent to the last known address given to the Court." W.D. Okla. R. LCvR5.5(a).